Same of the Recommendations Contained in the Annual Report of the Sceretary of War.

fuercased Grow h of Our Postal fystem Shown by the Report of the Past master General.

> SECRETARY (F WAR'S REPORT. WASHINGTON, Dec. 2.



ECRETARY ES president of the to acidatration of the war depart ment during the flical year ended Jane 30 last. The expenditures were \$41,-2 165,107. The ap-

propriations for the current flecal year amount to \$59, 679 924, and the estimates for the fiscal vest ending June 30, 1890, aggregate \$44,682,507 as follows: Salaries and contingent expenses, \$1,978,890; military establishment, support of army and military academy, \$25 293,378; public works, including river and harbor improvements, \$13,785,234; miscellaneous objects, \$3, 575 000

The estimates for river and harbor improvements represent the probable cost of such improvements if approved by The secretary gives a brief raview of the troubles with the Chiri-cahus Apache Indians from the Mexican war to the present time, and discusses the various plans suggested for their future treatment. The Indians are now cornaed at Mount Vernon Barracks, Ala, and many appeals have been made for their release. The secretary renews

D sertions from the army continue in for

"JEIMASTER GENERAL'S REPORT. the condition and history of every divi sion and branch of the postsi service railroad against O'Connor & Co. 1. an above. For the erroneous ctarge of the lo a condition of development and happing for the fiscal year ended June 30, 1888, assignment of error that the court erred court as to exemplary damages, the cause ness which shall to some degree atone in previous years, showing the remarkable considered, when the record declares the appellee shall file in this court a reexpansion of the business and a large inthe fact that four special charges mittur of the exemplary damages, in crease in expenditures. Following are some of the leading statements and distinct proposition. 2. Where a recommendations of the text of the re-

The estimated deficiency therefore is \$4,190,227. For the fis-csl year commencing July 1, 1884, and ended June 30, 1885, the total revenue was \$42,580,848, and the cash deficiency for specified against the railway company, islature incorporating the town of Hend-like deficiency for specified against the railway company, islature incorporating the town of Hend-like deficiency was \$4,297,288. The fiscal from the negligence of the contractors in deficiency was \$4,297,288. Amount of falling to restore the road, they should and the city government again lapsed, ordinary posts! revenue for the fiscal year flad in favor of the railroad against the In 1888 another effort was made to orended June 30, 1889, \$51,896 859; add 9 per cent. for increase, \$4,670,717, gives revenue for the flocal year ended June 30, 1889, \$56 567,576; amount of estimated revenue for money order business, 8825,000 Total estimate of gross re ceints for the year ended June 80, 1889 \$57,892,576 The amount appropriated for the service of this year is \$60,860,233. or an excess over the amount of revenue estimated above of \$3 467,657, which will be drawn from the general treasury should the total amount appropriated be readed.

The total number of postoffices is 57,376, an increase over 1885 of 6124 The number of costmasters appointed 12,288, of which 6521 were upon resignsdred and forly postoffices were discontinued during the year, and the names and making a total of presidential offices at field" car, was the best class of handcars the date last named of 2502. The gross made; that they were in use on appelthe adjustment of July 1, 1887. There has been an increase of \$322,500 in the amount required for salaries or presidential postmasters over the amount required for 1887. In the railway mail serv'c; an increase

of about 12,000 miles is shown as against the previous year's estimated increase (i on mites. Should have been set asid the total volume of business in the and remanded. Walker, J.

money order division for the year is uplargely increased, and the estimated revwithout reductions of postage upward of 870 000,000. The business of the registration division has increased during the year 8 7 per cent over that of the previcus year. The free delivery service was during the last fiscal year extended to 169 additional places, under the act of January 3, 1887, making a total of 358 free delivery cities. The number of carriers was increased from 5310 to 6346.

France, demonstrating that in chespness of postage, gross reverue and expenditures, number of postofflies, extent of mail routes, mileage of mail service and volume of mail matter transported, the postal system of the United States is the leading one of the world. The total cost of the foreign mail service was \$490,067, of which \$464,910 was for transporting mails of the United States origin. Parcel post conventions have been concluded during the fiscal year ended June 30, 1883 with the Barbadoes, Bahamas, British dicott has made Honduras and Maxico. Parcel post con-a report to the ventions are impending with all the South by American states.

MUPREME COURT.

Synopses of Decisions Rendered at the Pres ent Tyler St ting.



YLER, TEX , Dec. -Dalles

build its road between Dallas and Green- totally wanting, in any given case. that appelles crossed where the railroad intersected the public road early one the recommendation contained in his last morning, and when he crossed noticed annual report in regard to examination the hands laying track a short distance for promotion, and says the necessity for east of the intersection of the two coads such examination grows more and more At the intersection there was about seven feet which

cut the roadbed, Isrge numbers, as in previous years, but approached by steep inclines upon either from investigations recently made it s do in order to facilitate the passage of appears that 80 per cent. of the persons and vehicles along the dirt road. descripes occur before the expiration About 12 o'clock in the day appellee reof the second year of service the secretary turned. He saw the tracklaying machine says all the states and territories now about 300 yards southwest of the piace have an active militia sufficient under region intersection. Thinking that the track u ation to entitle them to receive laying crew had fixed the crossing for the or frace and quartermaster's stores passage of vehicles, after locking his from the United States, excepting wagon, without stopping to inspect the the state of Arkansas and the territories crossing, he started across. There was of Arizons, Idaho and Utah. It is hoped a ditch on either side of the track, and no that very soon practical instruction in sea crossing save a few loose planks laid coast defense and the handling of heavy along the road had been made. Appellee artillery may be given to militis, and cellcars of the army may be relied upon to
give reasons and certain assistance. The
stream of congress is again invited to
bly striking the crossiles and railing
the defenseless condition of the sea coast
to rowing appellee out of the wagon, he
they are manifestly excessive, and so apnaving at first place, and to relieve above, and to reverse and remand on the
ground of excessive damages, unless
they are manifestly excessive, and so apnaving at first place. and the lake frontiers, and liberal and striking the cross-ties and iron railing on immediate action is recommended, looking to the effective defense of our principal seaports. He concludes his report by affected and otherwise seriously and permanded unless the appellee shall file a remittur as to the examplary damages, in calling attention to the great need of an manently injured. He brought this suit assistant secretary of war, and says such against the Dallas and Greenville Railan officer is imperatively needed for the proper and efficient administration of the laying the track J. F. O'Conson; appeal from Upshur. Suit for dammar de artment.

Co The railway com ages, actual and examplary, sustained by pany prayed in the event of a recovery by Washington, Pec. 2 — The postmas- appellee against them that they recover of appellant. This is a companion case ter general's report presents concisely against O'Connor & Co. Judgment for to that of Missouri Pacific Railway vs. with many striking comparisons with in refusing a special charge cannot be will be reversed and remanded, unless ort:
The gross revenues for the year was terial issue in the case, it is not revers-crossing. 5 The appellee might properly February 12, 1852. Aft r several years race for the reception of all the benefi-

contractors, it being shown that the con-tractors had contracted to keep the pubthe estimated amount of ordinary postal lic roads passable for the putlic. No error. Affirmed Gaines, J.

Gulf, Colorado and Santa Fe Railway Tre revised statutes, article 32, provide Suit by appellee for damages caused by upon a two-thirds majority vote of the being thrown from a handcar while in the employ of appellant as a section hand. Appelles alleged in his petition that limits not to exceed half a mile an eleche was thrown from the handcar by reason of its being too light and frail for the purpose for which it was used. The ap-pellee testified that while he and his colaborers were propelling the car, in company with two other crews on similar care, without any discernable cause the ear left the track and he was thrown off during the year ending June 30, 1888, was and greatly injured. He testifies that this firmed. Walker, J. was a new brand of handcars; that they tions and commissions expiring, 1244 had only been using them two weeks; that upon removals, 659 to fill vacancies by he did not know the same was too light death, and \$864 on the establishment of for vesge until after the accident occurnew postoffices. One thousand six hun- red; that the cause of the accident was the lightness of the car. One witness of longing to appellees. It appears that the appellee after corroborating appellee as eites of 1493 offices were charged, retain- to other points said the car was too light or three different points, consigned to ing the incumber's. The adjustment of for usage as a handcar and that he knew themselves to Greenville, Texas, it being sites of 1493 offices were charged, retain- to other points said the car was too light July 1, 1838, estab ished ninety-seven of- it the first time he saw it. A number of fices in the first class, 407 in the second witnesses for appellant testified that the at the compress. The cotton arrived in class and 1908 in the third class, handcar in ques ion, which was a "Snefreceipts which accrued at the presidential lant's railway and on many otter railoffices for the four quarters ended March ways; that this make of cars were less of appellant to have the cotton \$1,1888, amounted to \$38,498,987, an increase of \$3,326,826 as compared with handcars. The witnesses testifying for press. This he promised to do"as soon as a and fostered, and a realization of personappellant were experienced railroad mer, and shown to be experts in their profession. Held: The testimony slosing that plaintiff knew, or should have known, of the lightness of the car and it not sufficiently appearing that it was defective, the verdict was without evidence of proper care on the part of appellee and

set aside. Reversed profit to the government of about \$50,000.

The volume of ordinary mail matter has largely increased, and the column of the colu enus on the rumber of pieces handled 2. In the absence of a statement of facts, during the past year would have been, this court cannot know what testimony was passed upon by the court below in arriving at its judgment. No assignment of errors nor statement of facts and no error apparent of record. Affirmed.

Walker, J Missouri Pacifi: Railway vs. James Missouri Pacin: Railway vs. Value Shuford; appeal from Smith. damages, sciusi and exemplar for in juries sustained by the appelles. Exemplary damages were asked on the growthat the appellants road bed was in that the appellants road bed was in the special that it was not seen that Carolilly prepared statistics are sub-mitted in every branch of the service of repair; that it was

DEPARTMENT REPORTS. demonstrating, the report says, increased worn, out of repair and defective and efficiency over previous years. Statistics had so been for a long period are submitted contrasting our service of time. 1. Where a case is not tried in with that of Great Britain, Germany and its regular order on the docket, the bill of excaptions to the ruling forcing to trial, The Secretary of the Interior Trans. was prejudiced or injured in order for this court to revise the ruling of the court below. 2. Upon the subject of exemplary damages the court charged: ."The plaintiff also prays for exemplary damages and alleges that the accident was caused by the gross negligence of defendant in allowing its road to get out of repair and allowing same to remain so for a long period of time before the accident, and that the company knew of such condition and falled to remedy such defects. What is meant by 'gross negligeres' is a total want of ordinary care, and ordinary care is that degree of care that a person would

use under like circumstances. So that if ize each to do, and validate by his signayou find that def-ndant's road was cut of rep dr, and had been for a long period of time previous to the accident, and the detendant company knew of such condition, and failed to remedy it, or if the general bad condition of the road was so notoria n d ous that defendant by the use of ordinary Greenville Rail- care should have known of its bad conway et al. vs. Wil- dition and falled to remedy it, then you than Able; appeal would be authorized to consider the from Hunt. Suit question of exemplary damages." The by appelless court had instructed the jury that evi against the Dallas dence as to the bad condition of the road nd Greenville would not apply to actual damages, but Ridlway and J. F | would apply, if at all, to the question of O Connor & Co. to (ximplary damages. Held: The charge recover damages is defective. The court did not attempt to define "gross negligence" otherity in the presental in the definition of the simple of appellants. Journal of the simple of appellants. Journal of the simple of appellants. Journal of the simple of the simpl

the Dallas and Greenville Railway to ists as a degree in completeness, or it is while The track crossed a public road charge author zes the jury to conclude where the injury occurred. It appears that appellant was guilty of gross negligence and therefore liable for exemplary damages even if they believed from the evidence that appellant had exercised a degree of care but slightly less than persons generally would under the same cir-cumstances. For the errors noticed the deep judgment will be reversed and remanded unless appelles shall file a remittur of the exemplary damages, in which case the court will affirm for the actual damages. Stayton, E. J. Missouri Pacific Railway vs. J. W.

Mitchell; appeal from Smith. Suit by appellee for damages, actust and exemplary, for injuries sustained by his wife on account of the alleged negligence of appellant. This is a companion case to that of Missouri Pacific Railway vs. Shuford reperted above. 1 As to exemplary damages the court gave substantially the same charge as in Missouri Pacific Railway vs. Shuford reported above, and for pearing at first plush. For the errors pointed out the case will be reversed and which case this cause will be sill med as to actual damages. Stayton, C J.

appellee through the alleged negligence appellee against both parties and for the Shuford, and same vs. Mitchell, reported which event the case will be sfirmed as Where a to the actual damages. Gaines, J. W.C. Buford, et al, vs the S a e of Texas

-appeal from Russ. This is an appeal from a judgment of the dis r ct court, represume that appellants had performed the inhabitants ceased to elect officers. In cial influences and acquirements of civiltheir legal duty, and that the crossing 1861, and in 1866, in so far as the people ized life; while on the other hand there had been restored. 6. The court did not had power, they regarded the city gov. yet remain some who are troglodytes in ganize a city government. The proceed-ings were regularly taken as in an original organization. The appellants under vs E 1 Williams; appeal from Lampasas. for the reorganization of cities and towns council adopting the general inc:r;oration act. 2. To increase the territorial tion by the inhabitants of the country proposed to be annexed must initiate the movement, followed by approval by the council. [R. S., arts 343, 508.] Appellants are not legal officers. The organization of 1888 was without authority of iaw. It is here held that the act of 1871 is the existing charter of the town. Af-

Missouri Pac fic Railway Company vs. J. C R. Hayres & Co.; appeal from Hopkins. Suit by appellees to recover for cotton alleged to have been burned while in the possession of appellant, same becutton was shipped by appellees from two understood that same was to be delivered Greenville, November 11 and 12, and appellee learned it had strived Sunday, November 13 Monday morning appellees notified the agent little switching could be done." This o'clock. From I until 4 o'clock an agent of appellee was at the compress to receive the cotton. At 3:30 o'clock appellant switched the cars containing the cotton duced good r solts. burned up, together with the cars confor the value of the cotton and verdict for appellees. 1. In the absence of an agreement that appellees should assume possession while the cotton was still on the cars, it must be held that possession was in fact, es in law, with appellant, the cotton never having been removed from 6the cars and pirc d on the compress platform. 2. Goods transported by a common carrier must not only be safely carried, but must also, be discharged on the platformer depots or put into a place of safety. 8 Man. 244-71, Ill. 23 | No error, Affirment on C. J.

VILAS' REPORT.

mite His Annual Statement of the Condition of & ffairs.

Attention Given to the Indiana Under th Protection of the Government-Beclamation of Public Lands.

WASHINGTON, Dec. 2 -The annual report of the secretary of the interior was given out to-day. Secretary Vilas recommends that authority be given the secretary to prescribe and define by written regulations the particular duties of the assistant secretaries, and to authorture as such assistant, such acts in performance of the duties incumbent on the secretary as he may so depute them to perform.

Patents were issued during the past year to the number of 47,180 for agricultural lands, covering an area estimated to exceed 7 500,000 acres, an increase of 22,622 patents over the number issued during the preceding year, with a greater acreage by more than 3,000,000.

The commissioner of the general land flice presents in his report a statement of the quantities of land which have been restored to the public domain since the incoming of your admidistration, by reclaiming them under forfeiture of rallroad grants by acts of congress, by revo cation of executive withdrawals for the benefits of railroads or for private land claims, by the discovery of frauds and illegalities in entries by private parties under the various laws for the disposi tion of public lands, whereby such entries have been carceled, as well as by cancellation for other causes, and by the rejection of selections by states for internal improvements and swamp lands invalidly made, which he states to be a correct ex hibit of this work; a recapitulation of which gives the result that there were in all 83,158,990 acres actually restored to the public domain and opened to entry and settlement. Steps have been taken or recommended for the recovery of 65,-020,538 acres more. The secretary takes occasion at this point to extel the abiliities of his predecessor in office under whose direction the most of the work was done.

Regarding the administration of affairs connected with the Indians un ler pro tection of the government the secretary SAYS:

The general condition of our Indian people and the affairs of the government directed to their care and improvement has during the past year continued sat-isfactory. No disturbances and no isfactory. No disturbances and no serious troubles of any kind have any-where occurred The conduct of the Indians has been almost universally quiet and orderly, and their disposition per-haps more than usually peaceable and tractable. There seems to be no reason to question, that although progress is not rapid, still the transformation of the Indian character and habits is steadily progressing, and that with continuing beneficence in the treatment of them by the government it need not fall to the lot of this people to infict upon them the crowning act of injustice by their annihilation, cut they may yet be moulded into civilized form, embraced within the folds of society, and elevated by enlightenment ness which shall to some degree atone in Indians of the future for the injusticwhich has been suffered by the Indians of the past in their contact with the waite

The measure of progress attained necessarily corresponds to the intelligence, energy and steadfast uniformity with which their treatment and the work of

people from the ideas and habits of the for each Indian, computed on the past. The relaxation in the grasp of last reported number of the total popubarbarous customs, the improvement of lation, including those estimated as morals and manners, the perception of outside the reservations. Of this area, the value of independent life and of the about 81,020,129 acres are within the ways of self-support, mark their present aspect in a much greater degree than formerly. They manifest less prejudice lation residing upon such lands, amountagainst the acceptance of the habits of civilized life, and more readily and willingly adapt themselves to the measures designed for their improvement. The policy of the government, for some

time past consistently pursued by the course of legislation and administration, has wholly broken up the tribal system of government among several tribes and bands, and with others has weakened it to a stage of disintegration. The ob structive influence of chiefs and head men to civilized methods has been largely aim nished by no longer making agree ments or conventions with them but after soliciting the views of all adult males, by determining according to the the 1,887 801 acres known as Oslahoma, voice of a majority or a greater number; by no longer issuing rations to dian Territory south of the North Fork the chiefs and heads of bands of the Red river. The number of these for distribution by them, but, instead, to heads of families, and, where expedient to be 72,110 in all, to so limit it, to the able-bodied adult. Not including the five civil zed tribes males for services performed; and by permitting individuals to leave their reservations and take homesteads upon the public domain without prejudice to their rights in tribal annuities, junds, lands or property. By these means, individuality in Indian manhood has been encouraged al responsibility extended. The punish promise was made between 12 and 1 ment of lesser misdemeanors among them by the "courts of Indian offenses," organized and conducted in imitation of civilized methods, appears to have pro-

on the sidetrack by the compress. At 4 The extension of the jurisdiction of the o'clock the compress took fire and courts which sit within the territories that embrace their reservations to the taining appellee's cotton. The evidence trial of the higher crimes of murder, man-fails to show the origin of the fire. Suit slaughter, assault with intent to kill, rape, slaughter, assault with intent to kill, rape, tributed to the same end by subjecting to altogether. It would probably be well to add to the efficiency of this law by congressional provision for the necessary expenses to its enforcement, especially when the offense is against another Iadian, because, from the fact that the reservation lands and Indian property thereon are not taxable, there may be less zeal to execute the laws among the Indians at the cost of the people in the

territories. A most substantial gain, both to the government and to the Indians, may be count for the behefit of the Indians in 11 cases, under such rules justly claimed in the increase of efficienfording them not only a misas adopted regarding them.

there may yet remain much to be accom-

plished in the same direction. I cannot refrain from remarking on the to these officers. The government seems to have marked by this means its expectation, almost its acquiescence in the ex-pectation, that the agent, remote from the inflaences of laws and society, would reimburse himself for his exile and labor from the means it placed in his hands, and by its lack of consideration for him has invited his lack of mercy to its wards in the administration of their affairs. these chicers.

every way, and the condition of the agent every it fluence which conveys to the from intruders upon Indian lands agent its wish more powerfully than arises in the Indian Territory, and espewords, that he shall aim in his administration among the five civilized tribes, tainments, and, necessarily, that he him-self must be of superior character and ability. So long as the Indian seemed to the agent as his keeper principally to arce and embarrassment; not greater, prevent cutbreaks and disturbances of however, to the Indian tribes or nations acter and less in performance were de-mandable. The scale of compensation

of the service ought no longer to obt in. So far as mere personal agency is concerned, more hinges upon the personality of the agents than upon any other cflicials who are concerned with the Indians. The who are concerned with the Indians. The agreed to put the Cherokees in posses-lever of civil z tion finds its prop in the sion of, and to guarantee to them forever, agent, and the lifting of the people under a reservation, the bounds of which are his charge depends upon his value as an specially designated, described and deall dent support to the measures of gov. fined, which reservation was and ernment. There are demanded high is located within what is now personal qualities, physical and mental; known as the Indian Territory. By the personal dignity and courage; ability, tact, wisdom; besides a missionary zeal and philanthropic self-sacrifice. It was recommended by my predeces.

purchase from the Indiens, in open marker, at fair and reasonable rates, not exceeding the market price in the localities. any grain, hay or other produce they may have for sale, and which may be required for the military service at said posts." This has been recommended ty the quartermaster general of the army, who has lation. Nothing has yet been done by congress in the matter. The Indians, in general, have not still clent business capacity or education to compete for conwards of the labor of the Indians go to make profits for the contractor or sub stipulations." contractor, rather thus discouraging than irciting to renewed industry in the coming sisson.

I concur in the recommendations already made to congress for proper legis lation on this subject, under which the ladians may receive the encouragement in their industrial pursuits which may in this way properly be efforded through or such as have connected themselves the needs of the military service. Such with them. This power of self governa law will not only be generally helpful, ment secured to them does not extend to practicable in flading a market for their claims, to Cherokee citizenship, under surplus productions '

The entire extent of territory now in a state of reservation for Indian purposes, including all portions of the Indian Territory, whether in fact occupieds or unoccupied by Indians, is 112,413,440; being equivalent to an average of 456 acres scope of the general allotment law of 1887, and afford an average for the popuing to 173,985, of about 465 acres to each. It will be seen that, by the execution of the general a lotment law and breaking up of the reservations, a wife area of the public domain will be opened up to settlemen .

The Cherokees, Creeks, Choctaws, Chickasaws and Seminoles, constituting the five civil zed tribes, the Osages, Miamies, Peorias and Sacs and Foxes of the Indian Territory and the Saneca nation in New York, are excepted from the provisions of the allotment act. The territory occupied by them embraces 21.969. 695 acres, not counting therewith the 6,024,239 acres of the Cherckee Outlet, and the 1,511,576 acres lying in the Inexcepted Indians is shown by the reports

of the Indian Territory and the New York Indians, there are 27,394 engaged more or less in civilized pursuits; 17,203 houses are occupied; 26 223 Indians speak the English language; 62,625 wear the dress of our civil zation wholly; 251,-858 acres of land have been cultivased; 242,647 rods of fencing built; 2,674,000 feet of lumber sawed; 98,682 cords of wood cut; 83,426 pounds of butter made, and that there have been harvested 727. 859 bushels of wheat; 600 203 bushels of oats, barley and rye; 1,306,961 bushels of corp. and 129,171 tons of hay; and that the Indians possess 417,328 horses, ponies and mules; 128,766 cattle; 40,343 swine

and 860,386 sheep. Requests have recently been made to this department by persons who are on arson, burglary and larceny, twhether the tract of land in the southern part of upon India 8 or other persons, has con- the Indian Territory, sometimes called tributed to the same end by subjecting to Greer county, to go over into the reser-punishment offenders who often escaped vation occupied by the Ktowa, Comanche and Wichita Indians and cut for their use the dead and fallen timber which is there going to waste, and which they are greatly in need of. They can not be permitted to do this, nor can the Indians be permitted to cut and sell such timber to them. As there is much of such timber on Indian reservations and of great value in the aggregate which might be turned to profitable ac-country, to await final action in their count for the behefit of the Indian's in 1 (2333, under such rules as would be

cy, zeal and honesty in administration of of self-support, but in gain-the Indian agents. There can be no reading which they will acquire some sonable doubt that recent years have of the habits of industry and thrift so esbrought about a most advantsg-ous sential to their future welfare and pros-casage in this respect; notwithstanding perity, I submit for the consideration of congress whether some general legislative authority should not be granted to the department which will authorize and hadequacy of the salaries generally paid enable it to properly deal with the sub-

There has been comparatively little embarrasement or trouble to the department or to the Indians during the year ower of government and the restraining because of the willful tresspass by white men or other unauthorized persons upon Indian reservations except in suca chronic cases as those upon the Round Valley Reservation in California, where the efforts of the department to dislodge them have been stayed by the courts or other insurmountable The condition almost authorizes accep-by the courts or other insurmountable tance of the common bruit which ascribed barriers. The vigorous enforcement of so many delir quincles and peculations to the laws against these effenders who have attempted during the past four But the circumstances have changed in years to enter and occupy Indian lands contrary to law and against the wishes of is far different. Wast is better, the acv- the Indians has had a wholesome effect. erament now expects, as manifested by The most serious trouble resulting tration for vastly higher objects and at- where a condition of affairs has been albe but an unruly animal in the hands of still is, the cause of considerable annoyarce and embarrassment; not greater, white population, less in personal char- concerned than to many of the persons complained of by them.

the completes and correspondence on which was fixed during such a condition this subject are most frequent from the Cherckee ration, and a summary of the facts as to them will illustrate the situation generally:

By the treaty of 1828 the United States subsequent treaty of 1835 the United States covenanted and agreed "to secure to the Cherokee Nation the right by their national councils to make and carry into sor, in his annual report for 1886, that effect all such laws as they may deem existing law should be so modified as to necessary for the government and proexisting law should be so modified as to necessary for the government and pro-risllow the proper officers of the military tection of the persons and prop-posts on or near Indian reservations to erty within their own country belonging to their people or such persons as have connected themselves with them, provided always that they shall not be inconsistent with the constitution of the United States and such acts of corgress as have been or may be passed regulating trade and intercourse termaster general of the army, who has recently had the matter before him for consideration; and the sacretary of citizens and army of the United States as war, concurring in his views, presented the subject to congress January sented the subject to congress January last, urging the enactment of such legiswith the Indians; and also that they shall ernment of the same."

The same treaty provides that they the Cherokeer) "stall be protected against laterruptions and intrusions from tracts to furnish such supplies to the clizens of the United States who may army, and consequently are often forced attempt to settle in the country without to part with their may and grain at rates their consent; and all such persons shall below local market prices to those con- be removed from the same by order of tractors who supply the military posts, the president of the United States. But which are situated in many instances on this is not latended to prevent the resithe very lands owned by or reserved for dence among them of useful farmers, the Indians; and the just fruits and re- mechanics and teachers, for the instruction of Indians according to treaty

Under these provisions the Cherckees have lorg since been placed in independnt possession and government, under a patent conveying title of a designated tract of country as their home, and the right of self-government is guaranteed to them over the persons and property within that country belorging to their people or such as have connected themselves

and in pusuance of which many persons, especially from localities within the states of North Carolina, Georgia and Tennessee, formerly occupied by the Cherokees, believing themselves and 'amilies to be justly entitled to citizenship in that nation, asserted and formally presented their claims for the determination of the tribunals provided, from time to time, for the purpose by the Cherokee Nation. The Cherokee executive has stated that "there was an invitaion on our statutes for years, asking the North Carolina Cherokees to come to this country and be numbered with us and partake of all the blessings of Cherokee citizenship."

Os the rolls of the North Carolina Cherokees are numbered all the persons living in the territory formerly occupied by the Cherokees was are of kindred to that tribe, whether they now reside in North Carolins, where the ome of the band is iccated, or in the sejscent states. Since the time of the removal of the Cherokee nation to the country so provided in the West, numbers of the Cherokees remaining in the East have, from year to year, gone West to join with the nation and live in their territory. The fund established under the provisions of the treaty of 1885 for the removal of these Indians was applied, as required by the fifth section of said treaty, to paying the expenses of such of them as removed to the Indian Territory until 1875, when the balance remaining was, by act of March 3, 1875, after settlement of certain specific accounts and payments had been effected, directed to be applied to the education, improvement and ation of those living in the East. By the act of August 15, 1876, the balance of the funds then remaining was placed to their credit in the trersury at 5 per cent. interest; the interest and a portion of the principal to be expended annually for their agricultural and educational improvement.

Since 1875 quite a number of those remaining East have removed themselves, and the claims for expenses of removal have been constantly pressed upon the department and congress. These people are the main claimants to Cherckee citizenship. Under the invitation of the nation for all Cherckees to come and join them and partake of the blessings of Cherokee citizanship they have been suffered or permitted by the Cherokee authorities to come into their onstry, and, pending action upon their claims to citizenship, have been allowed to settle down, occupy and cultivate land and place valuable improvements thereon Applications have been frequently made for the removal of such per-sons as intruders. The department, in 1880, authorized the agent to permit such which is annually consumed by forest of them as could show prima facia right fires and is otherwise going to waste, and to Cherokee citizanship to remain in the